## IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION NO. 5:16-CV-757-BR

JAMES E. QUIRK, Plaintiff,

v. <u>ORDER</u>

ALEXANDER CABREJAS, et al., Defendants.

This matter is before the court on the 23 March 2018 memorandum and recommendation ("M&R") of U.S. Magistrate Judge Kimberly A. Swank. (DE # 49.) Plaintiff has not filed an objection to the M&R. The court adopts the M&R as its own, and for the reasons stated therein, plaintiff's complaint is DISMISSED WITH PREJUDICE for failure to prosecute and to comply with the court's prior orders. The Clerk is DIRECTED to enter judgment and close this case.

This 20 April 2018.

W. Earl Britt

Senior U.S. District Judge